

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 190

AMENDMENT NO. **A1**

(to be filled in by
Principal Clerk)

H190-ABC-32 [v.2]

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Amends Title [YES]
Fourth Edition

Date **June 22**, 2023

Senator

Joe Krawiec

moves to amend the bill on page 1, line 3, by rewriting the line to read:

"LAWS PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO SESSION LAW
2023-14.";

and on page 23, lines 18-20, by rewriting the lines to read:

"PART XIV. TECHNICAL AND CONFORMING CHANGES TO S.L. 2023-14

SECTION 14.1.(a) G.S. 14-23.7 reads as rewritten:

"§ 14-23.7. Exceptions.

Nothing in this Article shall be construed to permit the prosecution under this Article of any
of the following:

- (1) Acts which cause the death of an unborn child if those acts were lawful, pursuant to the provisions of G.S. 14-45.1, Article 1I of Chapter 90 of the General Statutes.
- (2) Acts which are committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.
- (3) Acts committed by a pregnant woman with respect to her own unborn child, including, but not limited to, acts which result in miscarriage or stillbirth by the woman. The following definitions shall apply in this section:
 - a. Miscarriage. – The interruption of the normal development of an unborn child, other than by a live birth, and which is not an induced abortion permitted under G.S. 14-45.1, Article 1I of Chapter 90 of the General Statutes, resulting in the complete expulsion or extraction from a pregnant woman of the unborn child.
 - b. Stillbirth. – The death of an unborn child prior to the complete expulsion or extraction from a woman, irrespective of the duration of pregnancy and which is not an induced abortion permitted under G.S. 14-45.1, Article 1I of Chapter 90 of the General Statutes."

SECTION 14.1.(b) G.S. 90-21.81A, as enacted by S.L. 2023-14, reads as rewritten:

"§ 90-21.81A. Abortion.



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1 (a) Abortion. – It shall be unlawful after the twelfth week of a woman's pregnancy to
2 ~~advise, procure, or cause~~procure or cause a miscarriage or abortion ~~abortion in the State of North~~
3 Carolina.

4"

5 **SECTION 14.1.(c)** G.S. 90-21.81B, as enacted by S.L. 2023-14, reads as rewritten:
6 "**§ 90-21.81B. When abortion is lawful.**

7 Notwithstanding any of the provisions of G.S. 14-44 and G.S. 14-45, and subject to the
8 provisions of this Article, it shall not be unlawful to ~~advise, procure, or cause~~procure or cause a
9 miscarriage or an abortion in the State of North Carolina in the following circumstances:

10"

11
12 **SECTION 14.1.(d)** G.S. 90-21.82(b), as amended by S.L. 2023-14, reads as
13 rewritten:

14 "(b) Except in the case of a medical emergency, consent to a surgical abortion is voluntary
15 and informed only if all of the following conditions are satisfied:

16 ...

17 (1a) The consent form shall include, at a minimum, all of the following:

- 18 a. The name of the physician who will perform the surgical abortion to
19 ensure the safety of the procedure and prompt medical attention to any
20 complications that may ~~arise~~arise, specific information for the
21 physician's hospital admitting privileges, and whether the treatment or
22 procedure to be performed is covered by the pregnant woman's
23 insurance. The physician performing a surgical abortion shall be
24 physically present during the performance of the entire abortion
25 procedure.

26"

27 **SECTION 14.1.(e)** G.S. 90-21.83A(b), as enacted by S.L. 2023-14, reads as
28 rewritten:

29 "(b) Except in the case of a medical emergency, consent to a medical abortion is voluntary
30 and informed only if all of the following conditions are satisfied:

31 ...

32 (2) The consent form shall include, at a minimum, all of the following:

- 33 a. The name of the physician who will prescribe, dispense, or otherwise
34 provide the abortion-inducing drugs to ensure the safety of the
35 procedure and prompt medical attention to any complications that may
36 ~~arise~~arise, specific information for the physician's hospital admitting
37 privileges, and whether the treatment or procedure to be performed is
38 covered by the pregnant woman's insurance. The physician
39 prescribing, dispensing, or otherwise providing any drug or chemical
40 for the purpose of inducing an abortion shall be physically present in
41 the same room as the woman when the first drug or chemical is
42 administered to the woman.

43"

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1 **SECTION 14.1.(f)** G.S. 90-21.83B, as enacted by S.L. 2023-14, reads as rewritten:

2 **"§ 90-21.83B. Distribution of abortion-inducing drugs and duties of physician.**

3 (a) A physician prescribing, administering, or dispensing an abortion-inducing drug must
4 examine the woman in person and, prior to providing an abortion-inducing drug, shall do all of
5 the following:

6 ...

7 (6) Verify ~~that the probable gestational age of the unborn child is no more than~~
8 70 days.child.

9 (7) Document in the woman's medical chart the probable ~~gestation~~ gestational age
10 and existence of an intrauterine ~~location of the~~ pregnancy, and whether the
11 woman received treatment for an Rh negative condition or any other
12 diagnostic tests.

13 "

14 **SECTION 14.1.(g)** G.S. 90-21.83C, as enacted by S.L. 2023-14, is repealed.

15 **SECTION 14.1.(h)** G.S. 90-21.85(a) reads as rewritten:

16 (a) Notwithstanding ~~G.S. 14-45.1, G.S. 90-21.81B,~~ except in the case of a medical
17 emergency, in order for the woman to make an informed decision, at least four hours before a
18 woman having any part of an abortion performed or induced, and before the administration of
19 any anesthesia or medication in preparation for the abortion on the woman, the physician who is
20 to perform the abortion, or qualified technician working in conjunction with the physician, shall
21 do each of the following:

22 "

23 **SECTION 14.1.(i)** G.S. 131E-269 reads as rewritten:

24 **"§ 131E-269. Authorization to charge fee for certification of facilities suitable to perform**
25 **abortions.**

26 The Department of Health and Human Services shall charge each hospital or clinic certified
27 by the Department as a facility suitable for the performance of abortions, as authorized under
28 ~~G.S. 14-45.1, G.S. 90-21.81C,~~ a nonrefundable annual certification fee in the amount of seven
29 hundred dollars (\$700.00)."

30 **SECTION 14.1.(j)** G.S. 90-21.93, as enacted by S.L. 2023-14, reads as rewritten:

31 **"§ 90-21.93. Reporting requirements.**

32 (a) Report. – After a surgical or medical abortion is performed, the physician or health
33 care provider that conducted the surgical or medical abortion shall complete and transmit a report
34 to the Department in compliance with the requirements of this section. The report shall be
35 completed by either the hospital, clinic, or health care provider in which the surgical or medical
36 abortion was completed and signed by the physician who dispensed, administered, prescribed, or
37 otherwise provided the abortion-inducing drug or performed the procedure or treatment to the
38 woman. Any physician or health care provider shall make reasonable efforts to include all of the
39 required information in this section in the report without violating the privacy of the woman. The
40 report shall be transmitted to the Department within 15 days after either the (i) date of the
41 follow-up appointment following a medical abortion, (ii) date of the last patient encounter for
42 treatment directly related to a surgical abortion, or (iii) end of the month in which the last
43 scheduled appointment occurred, whichever is later. A report completed under this section for a

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1 minor shall be sent to the Department and the Division of Social Services within ~~three~~ 30 days
2 of the surgical or medical abortion.


3"

4 **SECTION 14.1.(k)** This section becomes effective July 1, 2023.

5 **PART XV. EFFECTIVE DATE**

6 **SECTION 15.1.** Except as otherwise provided, this act is effective when it becomes
7 law."
8
9
10

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**